

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED  
BILLINGS DIV.

2008 JUN 20 AM 10 04

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JOHN PAUL LOUVAR,	)	CV-08-62-BLG-RFC
	)	
Plaintiff,	)	
vs.	)	
	)	ORDER
EVA TOMPSON, CAPT. NODLAND,	)	
DEPUTY WARDEN T. GREEN,	)	
OFFICER W. HEIMBUCH, and	)	
WARDEN S. RAY,	)	
	)	
Defendants.	)	
_____	)	

On May 15, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Plaintiff's Complaint should be dismissed without prejudice for failure to state a claim.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed a letter with exhibits on May 22, 2008. This letter is construed as an objection to the findings and recommendation. Plaintiff's objections require this Court to make a *de novo* determination of those portions of the Findings and Recommendations to which objection is made. 28 U.S.C. § 635(b)(1). Plaintiff's objections are not well taken.

After a *de novo* review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be

adopted in their entirety.

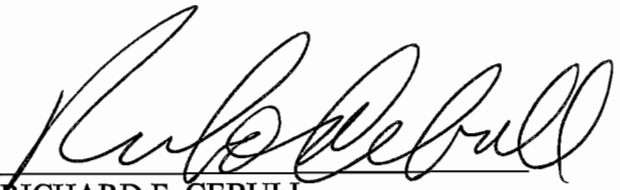
Plaintiff has alleged that Officer Thompson committed the tort of slander by accusing Plaintiff of slandering his ex-wife and flirting with female guards. There is no civil rights action for slander. *Hollister v. Tuttle*, 210 F.3d 1033, 1036 (9th Cir. 2000). Damage to reputation, standing alone, cannot state a claim for relief under section 1983 because reputation is neither a property nor liberty guaranteed against state deprivation without due process of law. *Johnson v. Barker*, 799 F.2d 1396, 1399 (9th Cir. 1986).

Allegations of slander may be sufficient to state a claim under state law, however, this Court is without jurisdiction to decide issues of purely state law.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint (*Doc. #2*) is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g). The Clerk of Court is further directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. Plaintiff's claim is so frivolous that no reasonable person could suppose that an appeal would have merit.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 19 day of June, 2008.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE